



11-27-06

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/765,562	
	Filing Date	01/26/2004	
	First Named Inventor	Daniel Yun-chak Wong	
	Art Unit	2617	
	Examiner Name	Peaches, Randy	
Total Number of Pages in This Submission	40	Attorney Docket Number	034421-177

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard, Credit Card Payment Form (1 pg.), Petition Under 37 CFR 1.137 to Revive Unintentionally Abandoned Application (4 pgs.), con't in remarks...
Remarks Utility Patent Application Transmittal (1 pg), ADS (4 pgs.), Rule 1.53(b) Continuation Application (15 pgs.), Figs. 1-3 (3 pgs.), Association of Customer Number (1 pg.), copy of Dec/POA (5 pgs.) and IDS/1449 (5 pgs.)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Thelen Reid & Priest LLP		
Signature			
Printed Name	Khaled Shami		
Date	11/22/2006	Reg. No.	38,745

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service, Express Mail Label No. EV916333059US, with sufficient postage as in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Julie Arango	Date	11/22/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 034421-177
First named inventor: Daniel Yun-chak Wong		
Application No.: 10/765,562	Art Unit: 8142	
Filed: 01/26/2004	Examiner: Peaches, Randy	
Title: SYSTEM AND METHOD FOR SENDING DATA TO A MOBILE DEVICE IN A WIRELESS NETWORK		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$_____ (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Rule 1.53(b) Continuation Application</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

	11/22/2006
Signature	Date
Khaled Shami	38,745
Typed or printed name	Registration Number, if applicable
Thelen Reid & Priest LLP	408-292-5800
Address	Telephone Number
P.O. Box 640640, San Jose, CA 95164	
Address	

Enclosures: ☒ Fee Payment

- ☒ Reply: Rule 1.53(b) Continuation Application and accompanying documents
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other :

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Label No. EV916333059US in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11/22/2006

Date



Signature

Julie Arango

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Daniel Yun-chak Wong et al. CONFIRMATION NO.: 8142
SERIAL NO.: 10/765,562
FILING DATE: 01/26/2004
TITLE: SYSTEM AND METHOD FOR SENDING DATA TO A MOBILE
DEVICE IN A WIRELESS NETWORK
EXAMINER: Peaches, Randy
ART UNIT: 2617

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37 CFR 1.137 to Revive Unintentionally Abandoned Application

Sir:

Applicant hereby petitions to revive the above-captioned unintentionally abandoned application. Applicant submits herewith (1) the required petition fee as set forth in § 1.17(m), (2) the required reply in the form of a continuing application filing, and (3) the following statement:

The entire delay in filing the required reply from the due date from the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Background

On March 3, 2006, Applicant filed a continuation (Ser. No. 11/367,185) of the above-captioned application, which was pending at the time, and subsequently allowed the above-captioned application to become abandoned. The continuation was filed with an incorrect specification, which, as consequence, referred to the wrong drawings. The Patent Office, discovering that the specification did not match the drawings, and unaware that it was the specification, not the drawings, that was incorrect, issued a Notice of Omitted Items requesting that FIGS. 4-10 of the drawings be submitted. Applicant responded by sending the correct


specification and explaining the error. The response by Applicant was treated as a petition under 37 CFR 1.182, and was dismissed. The reason for the dismissal was the failure by Applicant to submit a supplemental oath or declaration along with the correctly-filed specification, as the Notice of Omitted Items had suggested. Applicant did not file such a supplemental oath or declaration because, according to the Notice of Omitted Items, the filing date of the continuation would have become the filing date of the supplemental oath or declaration, and Applicant would have lost the continuity from the above-captioned application, which by then had been abandoned.

Accordingly, Applicant hereby petitions under 37 CFR 1.137 to revive the above-captioned application so that a new continuation, with unbroken continuity from the above-captioned application, can be pursued, as was originally intended.

Please charge any additional required fees or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

Dated: 11/22/2006


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